

By: Harris

S.B. No. 1745

Substitute the following for S.B. No. 1745:

By: Kuempel

C.S.S.B. No. 1745

A BILL TO BE ENTITLED

AN ACT

relating to certain offenses involving boating safety and the disposition of fines for certain water safety offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 31.099, Parks and Wildlife Code, is amended to read as follows:

Sec. 31.099. PROHIBITION ON CIRCULAR COURSE AROUND INDIVIDUALS ENGAGED IN WATER ACTIVITIES [~~FISHERMAN OR SWIMMER~~].

SECTION 2. Section 31.099, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) No person may operate a motorboat in a circular course around:

(1) any other boat any occupant of which is engaged in fishing, waterskiing, or a similar activity; or

(2) [~~around~~] any person swimming.

(a-1) Subsection (a) does not apply to a person operating a motorboat in a circular course to retrieve a downed or fallen water-skier or other person who was engaging in a similar activity.

SECTION 3. Section 31.128(c), Parks and Wildlife Code, is amended to read as follows:

(c) In court cases filed as the result of an arrest by a marine safety enforcement officer other than a game warden, the amount of the fine shall be remitted to the entity employing the

1 marine safety enforcement officer [~~to be remitted to the game,~~  
2 ~~fish, and water safety account shall be 60 percent of the fine~~].

3 All costs of the court shall be retained by the court having  
4 jurisdiction of the offense and deposited as other fees in the  
5 proper county fund.

6 SECTION 4. Section 31.128(d), Parks and Wildlife Code, is  
7 repealed.

8 SECTION 5. The change in law made by this Act applies only  
9 to an offense committed on or after the effective date of this Act.  
10 An offense committed before the effective date of this Act is  
11 covered by the law in effect when the offense was committed, and the  
12 former law is continued in effect for that purpose. For purposes of  
13 this section, an offense was committed before the effective date of  
14 this Act if any element of the offense was committed before that  
15 date.

16 SECTION 6. This Act takes effect July 1, 2009, if it  
17 receives a vote of two-thirds of all the members elected to each  
18 house, as provided by Section 39, Article III, Texas Constitution.  
19 If this Act does not receive the vote necessary for effect on that  
20 date, this Act takes effect September 1, 2009.